

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

PAUL DECKER,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.: 2:22-cv-00142-PPS-JPK
)	
MENARD, INC. and SNOW BE GONE,)	
)	
Defendants.)	

AMENDED COMPLAINT FOR DAMAGES AND JURY DEMAND

COMES NOW, the Plaintiff, Paul Decker, by Counsel, Duke T. Escue, of Walter J. Alvarez, P.C., and for his cause of action against the Defendants, Menard, Inc., and Snow Be Gone, both jointly and severally, now states as follows:

1. This is a civil action for injuries and damages that the Plaintiff, Paul Decker, sustained as a result of a slip and fall incident that occurred on or about February 2, 2021 or February 3, 2021, on the premises of the Defendant, Menard, Inc., located at or near 351 Silhavy Road, in Valparaiso, Porter County, State of Indiana.

2. At said date and time, the Plaintiff was lawfully on the premises of the Defendant, Menard, Inc., as an invitee and with the permission of, and for the benefit of the Defendant.

3. At said date and time, due to the negligence of both Defendants, Menard, Inc., and Snow Be Gone, the Plaintiff slipped and fell on the premises of the Defendant, Menard, Inc., sustaining injuries.

4. That both Defendants had a duty to the Plaintiff to maintain the premises in a reasonably safe condition, and that both Defendants were negligent regarding same.

5. That both of the Defendants' negligence conduct includes, but is not limited to, all

of the following:

- a. Failing to provide a reasonably safe walkway for invitees to enter and exit;
- b. Failure to exercise reasonable care to discover a dangerous condition which provided an unreasonable risk of harm to the Plaintiff;
- c. Failure to exercise reasonable care to protect invitees from unreasonable harm and danger;
- d. Failing to adequately clean and salt the walkways in a reasonable and proper time frame in order to prevent business invitees and other invitees from slipping and falling;
- e. Failing to follow recommendations that would prevent the aforementioned hazard;
- f. Failing to adequately maintain the premises in a safe condition and/or alert the Plaintiff of the unsafe and/or dangerous conditions;
- g. Failing to use the requisite degree of care that a reasonably prudent person would have used under the same or similar conditions;
- h. Failure to exercise reasonable and prudent care for the safety of their invitees and/or social guests;
- i. Negligent hiring and/or training and/or supervision of individuals, employees, and/or other entities;
- j. Failure to adequately salt, clean and/or remove snow and/or ice; and
- k. Failure to comply with the doctrine of spoliation of evidence, pursuant to Indiana law, to maintain and preserve evidence.

6. That as a direct and proximate result of the negligence of both of the Defendants, Menard, Inc., and Snow Be Gone, the Plaintiff suffered injuries, some of which are permanent, incurred medical expenses for care, testing and treatment, suffered loss of wages and earning ability, and an inability to engage in normal daily activities for an indefinite period of time.

WHEREFORE, the Plaintiff, by Counsel, demands judgment against the Defendants,

Menard, Inc., and Snow Be Gone, both jointly and severally, and requests the following relief:

- a. For reasonable compensatory damages;
- b. For pre-judgment and post-judgment interest;
- c. For the costs of this action; and
- d. For all other proper relief.

Respectfully Submitted,

WALTER J ALVAREZ P.C.

/s/Duke T. Escue

Duke T. Escue, Atty No.: 20578-64
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PLAINTIFF DEMANDS TRIAL BY JURY.

Respectfully Submitted,

WALTER J ALVAREZ P.C.

/s/Duke T. Escue

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CERTIFICATE OF SERVICE

This is to Certify that the undersigned did, this day, electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the CM/ECF participants registered to receive service in this MDL.

Dated this 12th day of July, 2022.

/s/Erica Banks
Erica Banks, Paralegal